

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America
v.
Ayla Banifche COURVOISIE

Case No. 2:19-mj-118

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 1st and May 4th 2019 in the county of United States in the
District of South Carolina, the defendant(s) violated:

Code Section

Title 21 USC 841 and 846
Title 18 USC 1343
Title 18 USC 1344
Title 18 USC 371
Title 18 USC 2

Offense Description

Distribution of controlled substance and conspiracy
Wire Fraud
Bank Fraud
Conspiracy
Aiding and Abetting

This criminal complaint is based on these facts:

See Affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 08/28/2019

City and state: Charleston, SC

Complainant's signature

TFO Nazario Yangco

Printed name and title

Judge's signature

The Honorable Bristow Marchant

Printed name and title

AFFIDAVIT

I, Task Force Officer Nazario Yangco, depose and state as follows:

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I am a Task Force Officer with the United States Drug Enforcement Administration (DEA) assigned to the Charleston, SC Resident Office. As such, I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code; that is, an officer of the United States who is empowered by federal law to conduct investigations of, and to make arrests for, offenses enumerated under Title 21, U.S.C. I have been a Task Force Officer with the DEA since May 2016. In that capacity, I have been employed by the Summerville Police Department since January 2004. I was assigned to the patrol division as Private First Class. From November 2010 to September 2016, I was assigned to the K-9 Division and worked as a K-9 Handler. During this tenure, I received over 100 hours of training in Narcotics detection and investigation

through the National Criminal Enforcement Association, Desert Snow, St. Petersburg College, South Carolina Criminal Justice Academy, North American Police Work Dog Association, and the Virginia State Police Training Academy. From March 2015, I was assigned as a narcotic detective in the Dorchester County / Summerville Police Metro Narcotics Unit. I am currently assigned to the Charleston, South Carolina Resident Office, which is comprised of Special Agents and Task Force Officers, charged with conducting narcotics-trafficking investigations. In connection with my official DEA duties, I investigate violations of federal drug laws and related offenses, including, but not limited to, violations of Title 21, United States Code, Sections 841, 843, 846, 856, 952, 960 and 963, and Title 18, United States Code, Sections 2, 1952, 1956 and 1957. I have received specialized training in the enforcement of federal drug laws, the investigation of drug trafficking and distribution organizations, the recognition of drugs and drug terminology, undercover operations, interviewing techniques, financial/money laundering investigations, and the use of electronic surveillance. I have also received Cellebrite training as a Certified Cellebrite Operator and Certified Cellebrite Physical Analyzer. This training enables me to analyze the data stored on most cellular telephone devices.

3. The following facts are presented to support a

criminal complaint and warrant for the arrest of Ayla Banifche COURVOISIE. This affidavit is based on factual information obtained during the course of this investigation. Based on this information, I have reason to believe that COURVOISIE has violated Title 21, United States Code, Section 841 (a)(1), Title 21, United States Code, Section 846 and Title 18, United States Code, Sections 1343, 1344, 371, and 2.

FACTS AND CIRCUMSTANCES

4. Your affiant along with Officers from North Charleston Police Department (NCPD) and the Charleston County Coroner's Office have been involved in an investigation concerning the overdose deaths Mr. Mickael Fitzpatrick and Mr. Steven Earhart and the financial fraud and theft including wire fraud and fraud in connection with access devices, perpetrated on both by Ayla B. COURVOISIE and others.

5. On April 1st, 2019, Ayla B. COURVOISIE accompanied by a black male identified as Michael JOYNER arrived at the residence of Mr. Mickael Fitzpatrick located at 4201 Olivia Drive, North Charleston, SC. In a written statement by Mr. Fitzpatrick, COURVOISIE took photographs of Mr. Fitzpatrick's South Carolina Federal Credit Union credit card ending in 3007. It is your Affiant's belief that South Carolina Federal Credit Union is a financial institution within the meaning of 18 U.S.C. § 1344.

6. On or about April 2nd, 2019, COURVOISIE used Mr. Fitzpatrick's credit card ending in 3007 to conduct three Western Union wire transactions, (\$59.50/each) totaling \$178.50, of which COURVOISIE was the beneficiary of funds. COURVOISIE then utilized Mr. Fitzpatrick's credit card ending in 3007 to conduct a financial transaction totaling \$35.00, to make payment for a boost mobile phone bill. COURVOISIE then used Mr. Fitzpatrick credit card ending in 3007 to conduct 16 financial transactions using the cellular telephone cash application called "SQC*CASH APP". The company for SQC*CASH APP is based in San Francisco, California. COURVOISIE using her cellular telephone with T-Mobile cellular service, the headquarters of which is also not based in South Carolina, conducted these transactions to remove a total of \$615.00 from Mr. Fitzpatrick South Carolina Federal Credit Union account. The actions of COURVOISIE caused Mr. Fitzpatrick a monetary loss of \$828.50.

7. On April 12th, 2019, Mr. Fitzpatrick and COURVOISIE exchanged text messages in which Mr. Fitzpatrick confronted COURVOISIE about the fraud and theft. COURVOISIE made an admission of guilt in those text messages, and offered to make restitution, but COURVOISIE never did.

8. On June 14th, 2019, Mr. Fitzpatrick was found at his residence the victim of a drug overdose. The individuals who discovered the body were Mr. Fitzpatrick's Nephew and Michael

JOYNER, an associate of COURVOISIE.

9. On May 4th, 2019, at approximately 10:45 pm, a Charleston County Deputy while on routine patrol observed a burgundy Hyundai Accent bearing Georgia license plate CJL-3202 stationary at Duncan boat landing located at 4350 Bridge View Dr. North Charleston, SC 29405. The deputy, upon checking the vehicle, noticed a white male sitting in the back seat of the driver side with his seat belt still fastened. The Deputy observed a red ball cap with the number 23 covering the white male's face. The Deputy found the white male was unresponsive and requested Charleston County EMS to respond. EMS arrived and noticed no outward trauma to the body and pronounced the victim deceased.

10. At approximately 11:39 pm, North Charleston Police, Charleston County Coroner's Office and Crime Scene responded to 4354 Bridge View Drive, the boat landing. A records check of the vehicle showed that it was a rental from Enterprise Rental. Officers contacted Enterprise to determine the name of the renter. Enterprise stated that Steven L. Earhart of 8412 Wylie Drive, North Charleston, SC was the renter of the vehicle. When Mr. Earhart's body was removed from the vehicle officers noticed, Mr. Earhart's wallet and the rental car key were missing. Officers recovered Mr. Earhart's cellular telephone, which was secured, pending cellular telephone analysis. An officer spoke to two individuals that were at the

boat landing fishing. They both stated that they arrived around 8:30 pm and, to the best of their memory, the burgundy Hyundai Accent was not there. The two individuals stated they left the boat landing around 9:00 pm and returned between 9:30pm - 10:00pm, and still did not see the vehicle in the parking lot.

11. While officers were still on the scene at the boat landing, a call came over North Charleston Police dispatch of a missing person driving a red Hyundai. The information matched the description of Mr. Earhart. Officers made contact and spoke to Mr. Earhart's son and explained that an officer would meet him and Mr. Earhart's wife at Earhart's residence.

12. Mr. Earhart's wife, told officers that her husband left their residence at approximately 8:30 am. Mr. Earhart's wife believed her husband was traveling to his son's residence to work on a vehicle. The son informed officers that his father might have a female friend but was unaware of who it might be or where she might live. The wife and son told officers that Mr. Earhart should have had a wallet on his person, which would contain his identification and bank cards.

13. An autopsy and toxicology report concerning Mr. Earhart death was completed. Based on the historical, toxicological, and gross autopsy findings, it was the opinion of the medical examiner that Mr. Steven Earhart's cause of death was the result of heroin and fentanyl toxicity. At the

time of Mr. Earhart's autopsy, the coroner office recovered a long black hair. Additionally, the medical examiner observed a fresh injection site on Mr. Earhart's arm. The Coroner's Office transferred custody of the hair to the North Charleston Police Department for safekeeping.

14. The DEA and NCPD Detectives conducted a digital download of Mr. Earhart's cellular telephone assigned telephone number 803-341-1972. The analysis showed that on May 4th, 2019 beginning at 8:39 am, Mr. Earhart placed and received several telephone calls as well as several text messages to a cellular telephone assigned 843-475-5003. Subscriber information obtained by agents determined, 843-475-5003 is subscribed to Ayla B. COURVOISIE. The following is the sequence of communications between COURVOISIE and Mr. Earhart on May 4th, 2019.

May 4th, 2019

8:39.01 am - text message sent from COURVOISIE to Earhart
"He's leaving now".

8:39.05 am - text message sent from COURVOISIE to Earhart
"I am calling the guy"

8:45.00 am - text message sent from COURVOISIE to Earhart
"Where you?"

8:45.00 am - text message sent from COURVOISIE to Earhart
"U otw?" (You on the way)

8:45:02 am - text message sent from COURVOISIE to Earhart

"I am ready"

8:45:20 am - text message sent from COURVOISIE to Earhart

"We don't have to go anywhere either"

8:46:49 am - text message sent from COURVOISIE to Earhart

"Yes sure did"

8:47:08 am - Earhart received an incoming call from
COURVOISIE - no duration.

8:47:37 am - text message sent by Earhart to COURVOISIE

"I'm leaving in 5 minutes"

8:47:54 am - text message sent by Earhart to COURVOISIE

"So 20 minutes total"

8:47:57 am - text message sent from COURVOISIE to Earhart

"How long till you get here"

8:48:48 am - text message sent by Earhart to COURVOISIE

"Separate bags too k"

8:49:01 - text message sent by Earhart to COURVOISIE

"As in 4 20's"

8:49:04 - text message sent from COURVOISIE to Earhart

"Kk"

8:50:04 am - text message sent from COURVOISIE to Earhart

"ok"

8:50:12 am - text message sent from COURVOISIE to Earhart

"Text when close baby"

8:51:20 am - text message sent by Earhart to COURVOISIE

"Yeppers"

8:58:19 am - text message sent by Earhart COURVOISIE

"Just signed out, leaving now to get gas, I'll be quick"

8:58:33 am - Earhart placed an outgoing call to
COURVOISIE duration 27 seconds.

8:59:39 am - text message sent from COURVOISIE to Earhart

"Kk"

9:12:13 am - text message sent from COURVOISIE to Earhart

"how far"

9:14:16 am - text message sent by Earhart to COURVOISIE

"Omw" (On my way)

9:14:40 am - text message sent by Earhart to COURVOISIE

"10 min"

9:14:59 am - text message sent from COURVOISIE to Earhart

"Kk"

9:15:57 am - Earhart placed an outgoing call to
COURVOISIE - duration 41 seconds

9:26:17 am - text message sent by Earhart to COURVOISIE

"Alongside your place come in?"

15. Between 10:34:54 am to 12:14:59 pm - Earhart
received 6 incoming calls from COURVOISIE, four were missed
calls and two were incoming calls with one being 17 seconds in
duration and the other no duration. At approximately 2:57:47

pm, Mr. Earhart's son began texting his father asking if he was alright. Mr. Earhart did not respond. In fact after 9:26 am, Mr. Earhart did not respond to any text messages from either his wife or son.

16. On May 6th, 2019, North Charleston Detectives were notified by Mr. Earhart's wife of unknown financial charge appearing on their joint bank accounts from over the weekend. Mr. Earhart had a Wells Fargo bank account and Navy Federal Credit Union (NFCU) account. Based on the locations of the two financial institutions, your Affiant believes that the transactions described below would have required wires to be transmitted across state lines.

17. On May 4th, 2019, at approximately 11:35 am, Mr. Steven Earhart's Wells Fargo Credit Card ending in 8983 was utilized at the Marathon Petroleum convenience store, located at 3543 Dorchester road for \$13.00. Detectives responded to the Marathon Petroleum convenience store and obtained video surveillance footage from within and outside of the store. Upon review of the convenience store video, Detectives were able to observe Mr. Earhart's rental car arrive at the convenience at approximately 11:34 am. Detectives observed a white female with black hair who was positively identified as Ayla B. COURVOISIE in the driver's seat and a black male wearing a white T-shirt sitting in the front passenger seat. Detectives could also observe movement in the back seat area

but could not identify who it might be. COURVOISIE was also observed on video in the store using a credit card belonging to Mr. Earhart at the store's card terminal to purchase 2 packs of Newport cigarettes. Outside surveillance video recorded COURVOISIE leaving the store and re-enter the driver side of Mr. Earhart's rental vehicle and depart the area.

18. On May 4th, 2019, at approximately 11:45 am, surveillance video located at the Food Lion located at 4400 Dorchester Road captured Mr. Earhart's rental vehicle entering the parking lot and park. Surveillance video showed Ayla B. COURVOISIE accompanied by two black males entering the store. The first black male was wearing a red "Nike" tee shirt, red ball cap with the number 23, blue jean pants and sandals, the second black male was wearing a white tee shirt, dark pants and blue "Lowes" ball cap. Surveillance video captured COURVOISIE along with these two black males conducting two financial transactions using Mr. Earhart's NFCU credit card ending in 4774. The first transaction was in the amount of \$70.90 and the second was in the amount of \$7.89.

19. On May 4th, 2019, at approximately 12:53 pm, Mr. Earhart's NFCU credit card ending in 4774 was utilized at Sally Beauty located at 9730 Dorchester Road, Summerville, SC to conduct a financial transaction in the amount of \$167.73. No video was available to be recovered.

20. On May 4th, 2019, at approximately 2:06 pm, surveillance video at a Boost Mobile Cellular telephone store located on Dorchester Road captured Ayla B. COURVOISIE along with the same black male wearing the "Nike" red tee shirt (reference is made paragraph 18) and another black male wearing a dark colored shirt, yellowish ball cap. COURVOISIE attempted to use Earhart's NFCU credit card ending 4774, to purchase an Apple I phone 6, but the purchase was declined.

21. On May 4th, 2019, at approximately 3:17 pm, surveillance video at Rack Room Shoes located at 9500 Dorchester Road captured the same black male wearing a white tee shirt and blue "Lowes" ball cap (reference is made to paragraph 18) use Earhart's NFCU credit card ending in 4774 to conduct a financial transaction in the amount of \$131.05.

22. On August 27, 2019, Ayla B. COURVOISIE was arrested on existing state charges (reference is made to paragraphs 5, 6, and 7). At the time of her arrest COURVOISIE indicated a willingness to cooperate and answer questions. COURVOISIE was transported to the DEA office. Your Affiant advised COURVOISIE of her Miranda warning per DEA form 13 as witnessed by TFO Chris Haus and Financial Investigator Steven Migioia. COURVOISIE acknowledged she understood her rights and wished to waive those rights and voluntarily answer questions. F/I Migioia asked COURVOISIE if she could identify a photograph. F/I Migioia showed COURVOISIE the photograph of Mr. Steven

Earhart. COURVOISIE stated she remembered him as a person she provided escort services to. COURVOISIE stated she could not remember the details of her encounter with Earhart. F/I Migioia then showed COURVOISIE a photograph of her exiting Earhart's rental vehicle on May 4th at 11:35 am at the Marathon Petroleum convenience store, reference is made to paragraph 17. COURVOISIE stated that Earhart let her use the vehicle to go purchase something for him, but could not recall the item purchased. COURVOISIE stated that after she made the purchase at Marathon she returned to where Earhart was staying. F/I Migioia informed COURVOISIE that was not a true statement. F/I Migioia then showed COURVOISIE another photograph taken on May 4th at approximately 11:45 am of surveillance video at the Food Lion located at 4400 Dorchester Road, (reference is made to paragraph 18). F/I Migioia asked COURVOISIE if she could identify the two black males who were with her at the Food Lion. COURVOISIE then requested to speak to an attorney and the interview ended.

22. Based on the content of the above text messages between Ayla B. COURVOISIE and Earhart and COURVOISIE's statement, COURVOISIE confirmed that on May 4th she met with Mr. Earhart to provide escort services. COURVOISIE denied any drug transaction with Mr. Earhart. Facts show that Mr. Earhart and COURVOISIE arranged to meet early on the morning of May 4th, 2019. Mr. Earhart wanted to purchase "something" from

COURVOISIE which Mr. Earhart identified as "separate bags took . . . as in 4 20's". COURVOISIE responded "kk" within a minute. Based on my training and experience, there is probable cause to believe that Mr. Earhart and COURVOISIE arranged for COURVOISIE to sell Mr. Earhart (4) four \$20.00 bags of narcotics, and taking into account the toxicology results of Mr. Earhart, there is probable cause to believe COURVOISIE, did in fact, distribute a mixture of heroin and fentanyl to Mr. Earhart. Based on your Affidavit Your Affiant believes that after Mr. Earhart was incapacitated by the narcotic, COURVOISIE robbed Mr. Earhart of his wallet containing his cash, credit cards and rental car key. COURVOISIE and others then utilized Mr. Earhart's rental vehicle and credit cards to conduct multiple financial transactions and purchases, many of which were captured on video surveillance. As to Mr. Fitzpatrick, COURVOISIE was confronted by Fitzpatrick as to the theft and use of his credit card ending in 3007. COURVOISIE in a series of text messages with Fitzpatrick never denied using his credit card, but rather offered to repay Fitzpatrick. COURVOISIE never made restitution to Mr. Fitzpatrick.

CONCLUSION

WHEREFORE, I respectfully submit that there is probable cause to believe that Ayla B. COURVOISIE has (1) possessed heroin/fentanyl with the intent to distribute, in violation of

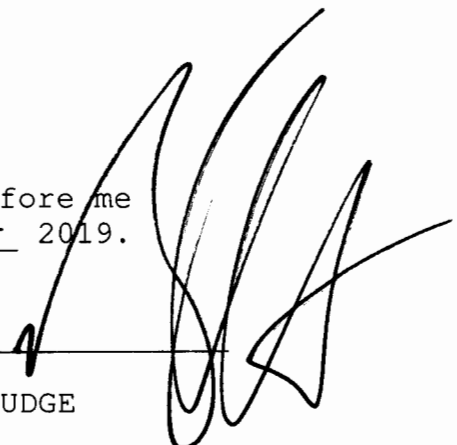
Title 21, United States Code, Section 841 (a) (1) and (2) conspired to possess heroin/fentanyl with the intent to distribute, in violation of Title 21, United States Code, Section 846 and committed wire and bank fraud and conspired to do the same, in violation of Title 18, United States Code, Sections 1343, 1344, 371, and 2.

This Affidavit has been reviewed by Assistant United States Jamie Lea Schoen.



Nazario Yangco
Task Force Officer DEA

SWORN TO AND SUBSCRIBED before me
This 28 day of August 2019.



BRISTOW MARCHANT
UNITED STATES MAGISTRATE JUDGE